

REMARKS

Restriction requirement

In the Office Action of March 30, 2010, the Examiner asserts, in a restriction requirement, that the present application contains claims lack unity under PCT Rule 13.1. The Examiner states that claims 1-5 are presently generic, but each of claims 6-9 describe a different species. The Applicants respectfully traverse the restriction.

Claim 8 recites “the physical irritation is to cause the solution to fly by driving a rotor mounted in a vessel...and use compression, expansion and vortex flow...”. Claim 9 recites “the case of having a circulating circuit in the vessel, the physical irritation is to cause compression, expansion and vortex flow of the solution by passing the solution through an orifice or perforated plate...” While these two dependent claims do describe different techniques, the common technical features of the techniques should provide an overlap in prior art. Therefore, conducting a prior art search that includes both claims 8 and 9 would not create an undue burden on the Examiner. Since the restriction is at the discretion of the Examiner, the Applicants respectfully request that the restriction requirement be modified to place claims 8 and 9 in effectively the same species as far as prosecution is concerned.

However, as required under 35 USC § 121, **Applicants provisionally elect claims 1-5 and 9.** All non-elected claims are withdrawn from consideration until the restriction is withdrawn or a generic claim is found to be patentable.

In view of the above, Applicants have complied with each and every requirement in the aforementioned Office Action, and now respectfully request an action on the merits of at least the elected claims.

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The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this document is being transmitted to the Patent and Trademark Office via electronic filing.

April 27, 2010
(Date of Transmission)

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